IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 14TH DECEMBER 2006 / 23RD AGRAHAYANA 1928

Crl.MC.No. 4036 of 2006()

AGAINST THE ORDER IN CC 2509/01 IN
LP.97/2004 of JUDL.MAGISTRATE OF FIRST CLASS-I, KOLLAM
CRIME NO.372/01 OF KILIKOLLOOR POLICE STATION

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PETITIONER: ACCUSED

JANAKA KUMAR, S/O.MADHAVA PANICKER,
AMBU SADANAM, NEAR ERATTAKULANGARA TEMPLE,
KILIKOLLOOR VILLAGE, KOLLAM.

BY ADV. SRI. K.SIJU
SRI.S.SUDHEESHKAR

RESPONDENTS: STATE

STATE OF KERALA, REPRESENTED BY THE
SUB INSPECTOR OF POLICE, KILIKOLLOOR POLICE
STATION THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 14/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.4036 of 2006

Dated this the 14th day of December 2006

O R D E R

The petitioner is the accused in a prosecution under Section 341 and 323 I.P.C. The case against him has been transferred to the list of long pending cases and is now pending before the JFCM-I, Kollam as L.P.No.97/04. The petitioner was not available before the court to proceed with the trial. The petitioner, who was employed abroad, has now come back to India. He wants to surrender before the learned Magistrate. He apprehends that his application for bail may not be considered on merits, in accordance with law and expeditiously by the learned Magistrate. He has come to this court with the prayer that directions may be issued to the learned Magistrate under Section 482 Cr.P.C to release him on bail when he appears and applies for bail.

2. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate. I find no reason to assume that learned Magistrate would not consider his application for bail on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient General

directions have been issued in Alice George vs.Deputy Superintendent of Police [2003(1)KLT 339].

3. In the result, this Criminal Miscellaneous Case is dismissed but with the specific observation that if the petitioner surrenders before the learned Magistrate and applies for bail, after giving sufficient prior notice to the learned Public Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously - on the date of surrender itself unless there are compelling reasons.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006